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Attorneys for Plaintiff CONCRETE POLISHING
TECHNOLOGIES, INC. dba PERFECT
POLISH, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, for the
use of CONCRETE POLISHING TECH-
NOLOGIES, INC. dba PERFECT POLISH,
INC. and CONCRETE POLISHING
TECHNOLOGIES, INC.,

Plaintiffs,

v.

AMERICAN CASUALTY COMPANY OF
READING, PENNSYLVANIA; CONTI-
NENTAL CASUALTY COMPANY; NA-
TIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA;
DICK/MORGANTI, a joint venture; DICK
CORPORATION, a Pennsylvania corpora-
tion; THE MORGANTI GROUP, INC., a
Connecticut corporation;
DICK/MORGANTI/NIBBI, a joint venture;
and NIBBI BROS. INC., a California corpo-
ration,

Defendants.

CASE No. CV 07-6129 (EMC)
CASE No. C-07-2564 (CRB)
CASE No. C-07-4180 (CRB)

**NOTICE OF PENDENCY OF OTHER
ACTIONS OR PROCEEDINGS [Civil
Local Rule 3-13]**

Pursuant to Civil Local Rule 3-13, plaintiff Concrete Polishing Technologies, Inc. dba
Perfect Polish, Inc. ("Perfect Polish") is aware of two related cases.

The first related case was filed in the United States District Court, Northern District of

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1 California, San Francisco Division, and is entitled *United States of America for the Use and*
2 *Benefit of Webcor Construction, Inc. dba Webcor Builders, et al v. Dick/Morganti, et al*, Case
3 No. C-07-2564 (CRB). This case was filed on May 15, 2007 for breach of contract, enforcement
4 of a Miller Act payment bond and quantum meruit. On information and belief, plaintiff Perfect
5 Polish alleges that the first related case concerning the General Services Administration federal
6 building located at the corner of Seventh and Mission Streets in San Francisco and is brought by
7 Webcor, a subcontractor on said project, for failure of the general contractor, Dick/Morganti, to
8 pay sums due and owing under Webcor's subcontract. The case is currently pending before the
9 Honorable Charles R. Breyer, United States District Judge Presiding.

10 The second related case was filed in the United States District Court, Northern District of
11 California, San Francisco Division, and is entitled *United States of America for the Use and*
12 *Benefit of Performance Contracting, Inc. v. Dick/Morganti, et al*, Case No. C-07-4180 (CRB).
13 This case was filed on August 15, 2007 for breach of contract, enforcement of a Miller Act pay-
14 ment bond and unjust enrichment. On information and belief, plaintiff Perfect Polish alleges that
15 the second related case concerns the General Services Administration federal building located at
16 the corner of Seventh and Mission Streets in San Francisco and is brought by Performance Con-
17 tracting, Inc., a subcontractor on said project, for failure of the general contractor, Dick/Morganti,
18 to pay sums due and owing under Performance Contracting's subcontract. The case is currently
19 pending before the Honorable Charles R. Breyer, United States District Judge Presiding.

20 The first and second related cases were consolidated by Stipulated and Order for Consoli-
21 dation dated September 20, 2007.

22 Both the related cases and the instant case involve the General Services Administration
23 building in San Francisco and are brought by subcontractors who worked on the project. All
24 three cases also involve claims by subcontractors for nonpayment under their respective subcon-
25 tracts against the general contractor and the sureties that provided the payment bond. The cases
26 involve the same subject matter and substantially all of the same parties.

27 Perfect Polish alleges on information and belief that consolidating the instant case with
28 the aforementioned two related cases, which have already been consolidated, before Judge Breyer

1 in Case No. C-07-2564 would avoid conflicts, conserve resources, and promote an efficient de-
2 termination of the actions.

3 Dated: December 4, 2007.

4 MBV LAW LLP

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6 By s/JONATHAN S. O'DONNELL
7 JONATHAN S. O'DONNELL
8 Attorneys for Plaintiff CONCRETE POLISHING
9 TECHNOLOGIES, INC. dba PERFECT POLISH,
10 INC.
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